

PATENT COOPERATION TREATY



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INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P26776PC00/CHO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/NL 03/00453	International filing date (day/month/year) 20.06.2003	Priority date (day/month/year) 20.06.2002
International Patent Classification (IPC) or both national classification and IPC B60N2/28		
Applicant DREMEFA B.V. et al.		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>		
Date of submission of the demand 28.10.2003	Date of completion of this report 14.09.2004	
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Pétiaud, A Telephone No. +49 89 2399-6088 	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/NL 03/00453

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-5 as originally filed

Claims, Numbers

2-9 received on 16.07.2004 with letter of 16.07.2004

1 filed with telefax on 03.08.2004

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary: _____

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-9
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-9
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

2. Citations and explanations

see separate sheet

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A. Inventive step

1. Claim 1

1.1 Prior art

Document EP0751033 (D1), which is considered to represent the most relevant state of the art, discloses (cf. figures 1 and 2) a child seat from which the subject-matter of claim 1 differs in that the backrest is not adjustable in height relative to the seat-part, the headrest and the backrest are not linked by a gear rack construction, and the height of the headrest and of the backrest are not linked.

1.2 Problem

The problem to be solved by the present invention may therefore be regarded as adapting the geometry of the seat to the morphology of a growing child. Indeed, as the child grows up, not only the height of its head increases, but also the shape of his back. There is thus a need for a further adaptation of the child seat.

1.3 Solution

It is known from document DE 199 25 306 (D2) that there must be a correlation between the height adjustment of the backrest of a vehicle seat, and the height adjustment of its headrest in order to offer an ergonomically improved vehicle seat. The solution proposed in D2 (a gear rack construction between the headrest and the backrest) provokes a height adjustment of the headrest which is double of that of the backrest.

It is to be noted that the adjustment of the headrest disclosed in D1 is obtained by pulling it up or pushing it down. Although the mechanism disclosed in D2 is meant to be activated by a knob for ease of use, pulling the headrest up or pushing it down would achieve the same result, though with more efforts.

The skilled person would regard it as a normal option to include this feature in the vehicle child seat described in document D1 in order to solve the problem posed.

The solution proposed in claim 1 of the present application can thus not be considered as involving an inventive step (Article 33(3) PCT).

2. Claim 2

Similarly, the subject-matter of claim 2 does not involve an inventive step in the sense of Article 33(3) PCT (see above).

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3. Claim 3

It is commonly known to provide an adjustment of a vehicle seat with locking means for obvious safety reasons. Claim 3 of the present application can thus not be considered as involving an inventive step (Article 33(3) PCT).

4. Claim 4

~~It is also commonly known to provide an adjustment with a handgrip to make the~~
adjustment easier. Claim 4 of the present application can thus not be considered as involving an inventive step (Article 33(3) PCT).

5. Claim 5

Claim 5 of the present application can similarly not be considered as involving an inventive step (Article 33(3) PCT).

6. Claim 6

It is commonly known to have the seat part of a (child) vehicle seat to be adjustable (mostly in height, inclination or length). Claim 6 of the present application can thus not be considered as involving an inventive step (Article 33(3) PCT).

7. Claim 7

The child seat disclosed in D1 includes a belt guide on the headrest. Claim 7 of the present application can thus not be considered as involving an inventive step (Article 33(3) PCT).

8. Claim 8

It is commonly known to include a belt-guide on the backrest of a vehicle child seat (see for instance US 6,079,780, fig.1). Claim 8 of the present application can thus not be considered as involving an inventive step (Article 33(3) PCT).

9. Claim 9

It is commonly known to include a belt-guide on the seat portion of a vehicle child seat (see for instance US 31,36,579 fig.1). Claim 9 of the present application can thus not be considered as involving an inventive step (Article 33(3) PCT).

C. Description of the prior art

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10. A document reflecting the prior art described on page 1, is not identified in the description (Rule 5.1(a)(ii) PCT). The applicant is thus required to include document D1 in the description.
11. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D2 is not mentioned in the description, nor is this document identified therein. The applicant is thus required to include D2 and its contents in the description.